S.B.CIVIL WRIT PETITION NO.2615/2007

Akbar Khan Vs. State of Rajasthan & Ors.

DATE OF ORDER :: 10.8.2007

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. Rakesh Arora, for the petitioner.

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The order dated 9.4.2007 passed by the Board of Revenue, Rajasthan, Ajmer while exercising powers under Section 76 of the Rajasthan Land Revenue Act, 1956 is challenged by way of filing this petition for writ. By the order aforesaid the Board of Revenue affirmed the order dated 15.2.2007 passed by the Revenue Appellate Authority, Bhilwara in Appeal No.205/2006.

In brief facts of the case are that the Gram Sabha- Bhilo Ka Khera, Bhimpura resolved for establishment of a school in the village and for that purpose the Collector, Bhilwara under an order dated 18.4.2006 excluded 3.04 bighas of land that was part of Khasra No.39 measuring 72.6 bighas of pasture land.

The contention of the petitioners while giving challenge to the order aforesaid before the Revenue Appellate Authority was that the establishment of school in the land allotted under the order dated 18.4.2006 is quite at distant place, and therefore, same should not have been done. It is also stated that the Collector erroneously excluded

3.04 bighas pasture land for establishment of the school. The Revenue Appellate Authority by its order dated 15.2.2007 held that the land was excluded in accordance with law and a decision was taken to establish school thereon as per will of the Gram Sabha. He also found that the exclusion of the land as well as the decision to establish the school was in public interest. The Board of Revenue after considering entire material available on record refused to interfere with the order passed by the Revenue Appellate Authority.

I have examined the order impugned and I am satisfied that the Revenue Appellate Authority examined all the material available on record and also considered all relevant provisions and reached at right conclusion that the land measuring 3.04 bighas was rightly excluded from the pasture land for establishment of the school. I do not find any reason in the instant matter to interfere while exercising powers under Article 227 of the Constitution of India.

The writ petition is accordingly dismissed.

(GOVIND MATHUR),J.

jgoyal